

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-GOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; AND BOARD
OF TRUSTEES OF THE CEMENT
MASONS TRAINING TRUST FUND FOR
NORTHERN CALIFORNIA,

Plaintiffs,

v.

VALLEY CONCRETE CONSTRUCTION
INC., a California corporation

Defendant.

No. C 14-3519 MMC

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION; GRANTING
PLAINTIFFS' MOTION FOR DEFAULT
JUDGMENT**

Before the Court is Magistrate Judge Donna M. Ryu's Report and Recommendation, filed April 7, 2015, by which said Magistrate Judge recommends the Court grant plaintiffs' motion for default judgment. No objections to the Report and Recommendation have been filed.

Having reviewed the matter de novo, the Court, for the reasons expressed therein, hereby ADOPTS the Report and Recommendation in its entirety.

Accordingly, plaintiffs' motion for default judgment is hereby GRANTED as follows:

1. Plaintiffs shall have judgment in the total amount of \$131,905.49 against

1 defendant Valley Concrete Construction Inc., such sum comprising (a) unreported, unpaid
2 contributions under 29 U.S.C. § 1132(g)(2)(A) in the amount of \$71,906.38 together with
3 interest thereon under § 1132(g)(2)(B) in the amount of \$23,377.27 and interest under
4 § 1132(g)(2)(C) in the amount of \$23,377.27; (b) liquidated damages and interest in the
5 amount of \$1497.82 on contributions paid but paid late; (c) attorneys' fees in the amount of
6 \$10,250.00 and costs in the amount of \$1,496.75.

7 2. Defendant is hereby DIRECTED to allow plaintiffs' auditor to come onto its
8 premises and to perform an audit of its financial records and the financial records of its
9 predecessor Valley Concrete Construction for the period October 2013 through the present
10 including, but not limited to, the following records: Individual earnings records; federal tax
11 forms W-3/W-2 and 1069.1099; reporting forms for all plaintiff trust funds, state DE-3/DE-6
12 tax reports; workers' compensation insurance; employee time cards; payroll
13 registers/journals; quarterly payroll tax returns (Form 941); check register and supporting
14 cash vouchers; forms 1120, 1040 or partnership tax returns; general ledger; source
15 records, including time cards and time card summaries for all employees; certified payroll
16 reports; personnel records indicating job classifications and hire/termination dates; cash
17 disbursement journal; vendor invoices; copies of subcontract agreements; cash receipts
18 journal; job cost records; records of related entities; and any other books and records that
19 may be necessary to complete the auditor's determination or provide additional explanation
20 of defendant's financial records.

21 3. Plaintiffs shall serve a copy of this order on defendant, and shall file proof of such
22 service no later than May 15, 2015.

23 **IT IS SO ORDERED.**

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25 Dated: May 5, 2015

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MAXINE M. CHESNEY
United States District Judge